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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,118	03/01/2004	Leonard T. Chapman	54767.8066.US00	2670
34055	7590	11/08/2005	EXAMINER	
PERKINS COIE LLP POST OFFICE BOX 1208 SEATTLE, WA 98111-1208			PERKEY, WILLIAM B	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,118

Applicant(s)

CHAPMAN, LEONARD T.

Examiner

William B. Perkey

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 17-24, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 13, 15, 16 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 6, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burbulla (U.S. Patent No. 6,776,488 B2).

Burbulla shows a telescoping camera crane in Figs. 1-5; a first section is shown as element 10; a counter weight carrier is shown as 2; a second section is shown as 11; a third section is shown as 12; a camera platform is shown as 5; and an actuator is shown as an electric motor and cables disclosed in the paragraph bridging columns 4 and 5. A displacement sensor sensing the extension of the sections 11 and 12 is described at column 6 lines 28-33.

Claim Rejections - 35 USC § 103

3. Claims 2, 3, 12, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burbulla in view of Furer et al. (U.S. Patent No. 2,472,944).

Burbulla shows the claimed invention, as explained above, except for the actuator comprising hydraulic components operated by a battery. Furer et al. discloses a camera crane wherein the actuator comprises a hydraulic system that is battery operated. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to substitute a hydraulic actuator system for the electric motor actuator disclosed in the paragraph bridging

Art Unit: 2851

columns 4 and 5 of Burbulla in order to obtain the desirable advantages that a hydraulic actuator system provides.

4. Claims 4, 9, 10, 11, 24, 28 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied in either numbered paragraphs 2 or 3 above, and further in view of Lindsay (U.S. Patent No. 5,697,757) or Heller (German patent document no. DE 3628782 A1).

The references teach the claimed invention, as explained above in numbered paragraphs 2 and 3, except for a mechanical leveling system for the camera platform. Lindsay teaches a mechanical leveling system for a telescoping camera crane. Heller in Figs. 5a and 5b shows a mechanical leveling system for a telescoping camera crane. It would have been obvious to one of ordinary skill in the art, at the time applicant's invention, to modify the Burbulla telescoping camera crane by providing a mechanical leveling system for the camera platform 5 about the H axis, at least, in order to obtain the desirable feature of a horizontal camera platform regardless of the angle of the boom.

5. Claims 7, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Masseron et al. (U.S. Patent No. 4,907,768).

The references show the claimed invention, as explained above, except for rollers supporting the telescoping sections. Masseron et al. teaches the use of rollers at column 3 line 32 for supporting the telescoping sections of the camera crane. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to provide the telescoping camera crane of Burbulla with rollers supporting the telescoping sections 11 and 12 in order to obtain the desirable feature of low friction. Concerning claim 14, Official Notice (MPEP 2144.03) is taken

Art Unit: 2851

that rollers were conventionally known to be made of very hard plastic material at the time of applicant's invention. Furthermore, there is legal precedent that optimization of parameter values is not undue experimentation. Thus, it does not appear that the limitations of claim 14 are patentably distinguishing.

Allowable Subject Matter

6. Claims 13, 15, 16, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey, whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 William B. Perkey

Application/Control Number: 10/791,118

Page 5

Art Unit: 2851

Primary Examiner
Art Unit 2851

WBP:wbp